

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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NORTH JERSEY SURGERY CENTER a/s/o  
ROSEANN DAWSON,

Plaintiffs,

v.

HORIZON BLUE CROSS BLUE SHIELD OF  
NEW JERSEY; PAINTERS DISTRICT  
COUNCIL NO. 711 WELFARE FUND; ABC  
CORP. (1-10) (Said names being fictitious and  
unknown entities).

Defendant(s).

CIVIL ACTION NO.: 12-cv-06787 (DMC)  
(JAD)

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**ANSWER TO CROSS CLAIM OF CO-DEFENDANT, INTERNATIONAL UNION OF  
PAINTERS AND ALLIED TRADES DISTRICT COUNCIL NO. 711 HEALTH &  
WELFARE FUND ON BEHALF OF DEFENDANT, HORIZON BLUE CROSS BLUE  
SHIELD OF NEW JERSEY**

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Defendant Horizon Blue Cross Blue Shield of New Jersey (improperly pleaded as Horizon Blue Cross Blue Shield Insurance Company) ("Horizon") hereby answers the Cross-Claim of Co-Defendant, International Union of Painters and Allied Trades District Council No. 711 Health & Welfare Fund as follows:

18-24. Horizon admits only that it was the claims administrator delegated to make initial claim determinations on behalf of the Co-Defendant, International Union of Painters and Allied Trades District Council No. 711 Health & Welfare Fund, subject to the contractual provisions of an administrative service agreement between Horizon and Co-Defendant, International Union of Painters and Allied Trades District Council No. 711 Health & Welfare Fund. Horizon denies the

remainder of the allegations under the cross-claim of the co-defendant and asserts all previously pled Affirmative Defenses.

Further, Horizon submits that co-defendant's cross-claims are contractually barred pursuant to the provisions of the administrative service agreement.

**WHEREFORE**, Horizon demands judgment in its favor and against Co-Defendant dismissing Co-Defendant, International Union of Painters and Allied Trades District Council No. 711 Health & Welfare Fund's, Cross-Claim with prejudice and for an award of attorney's fees and costs.

CONNELL FOLEY LLP  
85 Livingston Avenue  
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*Attorneys for Defendant*  
*Horizon Blue Cross Blue Shield*  
*of New Jersey*

BY:

  
Christopher Abatemarco, Esquire

DATED: 3-4-14

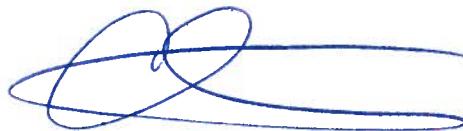
**CERTIFICATE OF SERVICE**

I, Christopher Abatemarco, of full age, hereby certify that the within Answer to Cross-Claims has been electronically filed with the Clerk within the time and in the manner prescribed by the Rules of Civil Procedure and that a copy of the within pleading has been served this date, via email upon:

Andrew Bronsnick, Esq.  
Massood & Bronsnick, LLC  
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*Attorneys for Plaintiffs*  
*North Jersey Surgery Center a/s/o R.D.*

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*Attorneys for Defendant,*  
*International Union of Painters and Allied Trades District Council No. 711*  
*Health & Welfare Fund*

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Christopher Abatemarco

DATE: *3-4-14*